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CASES BY COUNCIL DISTRICTS

In this chapter, the Council District charts show cases and allegations in the respective City Council District. Illustration A lists each Council District and the types of cases that were handled in each District. A Council District¹ indicates the location where the incident occurred and not necessarily where the complainant resides. The term Unknown/Outside City Limits means the location of the incident could not be identified or the incident did not occur within the San José city limits. The first row in Illustration A lists the type of cases (See Appendix C): Formal (CI or DI), Informal (IN), Policy (PO), Procedural (PR), No Boland (NB), Inquiry (IQ) and Citizen Contact (CC). Illustration A shows not just the number of complaints but all the citizen contacts received from January 1 through December 31, 2000. Typically, the highest numbers of cases (198 or 29 % of all complaints) were generated in

Illustration A: Cases by Council District

1 See Appendix I (Council Districts).

Illustration B: Five Year Analysis of Cases by Council District

District 3, largely because of the diverse activities generated in the downtown area. District 5, a neighboring district, has the second highest number of cases (77); District 6 has the third highest number of cases (67); and District 7 has the fourth highest number of cases (61).

Illustration B shows a comparative five-year analysis of classified cases by Council District. The time period is January 1 through December 31 for the year 1996 through 2000. Please note that the total cases received in 1999 and 2000 include Inquiry cases, making the

total higher than other years. In Illustration A, the effects of more scheduled activities in certain districts appears to generate more complaints. This becomes apparent when comparing the complaints generated in Districts 3, 5, 6, and 7 each year.

A Formal complaint is a misconduct complaint that is citizen-initiated (CI) and/or initiated by the Chief of Police (DI). A misconduct complaint involves a complaint that alleges a violation of the law; a violation of a department policy or procedure; or a violation of a city rule or regulation. A single

complaint filed by a citizen may contain multiple allegations.² For example, a citizen may have alleged that unnecessary force was used in his arrest and that the arresting officer called him a “punk” and searched his vehicle without consent. This single complaint may have three different allegations: Unnecessary Force, Rude Conduct, and Unlawful Search.

Illustration C shows the Formal allegations by Council District for the time period of January 1 through December 31, 2000. There were a total of 498 allegations, which were attrib-

² See Appendix J (Misconduct Allegations).

Illustration C: Formal Allegations by Council District

uted to the 220 Formal complaints received in 2000. Only Formal complaints are broken into types of allegations. Council District 3 accounted for 74 Formal complaints, and produced 148 Formal allegations or 30% of all allegations received. This was a slight decrease from last year's figures. In 2000, the most frequent allegation filed was Improper Procedure (IP - 131 allegations or 26% of all allegations), followed by Unnecessary Force (UF -

129 allegations or 26% of all allegations), , and Rude Conduct (RC - 81 allegations or 16% of all allegations).

***EVOLUTION OF
CASE
CLASSIFICATIONS***

Illustration B shows a comparative five-year analysis of classified cases by Council District. The time period is from January 1 through December 31

for the years 1996 through 2000. There is a fluctuation in the number of complaints filed during these five years.

Throughout the past five years, the classification of the different types of cases has changed in an effort to streamline the investigation of complaints.

In order to understand these changes, it is important to go back to 1993 when

the IPA office was established. The first public report issued by the IPA contained statistics for the first quarter of operations, September 13, through December 13, 1993. The IPA reported all complaints, using the then definition of a complaint found in the San José Police Department Duty Manual at that time. However, the SJPD only reported those complaints it classified as misconduct complaints (under 300 yearly) and not those which it entered in a procedural log (over 1,000). These two different types of classifications and the manner reported were problematic and inaccurate as revealed in a subsequent audit. An audit of the procedural log by the IPA revealed that misconduct complaints were buried in the procedural log lowering the total number of complaints reported by the SJPD to the public. In addition to problems with inaccurate accounting, the complaints labeled as procedural were kept in a simple, hand written log, without mention of the subject officer, and with a minimum of information about the nature of the allegation or disposition. This log was used as a catch all for all contacts, including those contacts that were not complaints.

In January 1994, after meetings between the IPA and the Chief of Police, it was agreed to change the process for classifying and handling complaints. Four categories of complaints were created by the SJPD: Formal, Informal, Procedural, and Policy.¹⁴ The Formal, Informal, and Procedural complaints were designed to track the subject officer and strengthen the Intervention Counseling Program, an “early warning” system.

By June 1994, the new complaint classification system was fully implemented. In the first 12 months of operation, (9/93 - 9/94) there was a 40% increase in Formal Citizen Initiated complaints alone.

After a year of the new classification system being fully operational, new problems were encountered. There was no quick process for documenting and tracking, in one central place, the intake of citizen complaints. When an Internal Affairs investigator took the statement of a complainant, at times it took months, before the complaint was classified and entered in the central database. Complainants would call to inquire about their complaints but could not obtain any information because

they were not yet in the database, the complaints could not be located, and on a few occasions, complaints were lost. It was also difficult to accurately count the number of complaints filed in any given year because each IA investigator had in his/her sole possession notes from intakes of citizen complaints that were not yet accounted for.

In the 1995 IPA Midyear Report, the IPA recommended that a central ledger be kept to document all contacts from the public. All Internal Affairs investigators were to immediately enter in this ledger the name of the complainant, intake officer, date, time, nature of the call and how the contact was resolved. For example, once a complaint was classified, it would show that the contact was now “Procedural Complaint Number 95-001.”

By the end of 1995, more adjustments to the central ledger were made because timely follow-up with the entries was lacking. The 1995 IPA Year End report recommended that on a monthly basis, the ledger be reviewed and updated to show the progress with each entry.

During the years 1996 and 1997, the SJPD and the IPA sought ways to create

a more efficient way to track complaints and exchange information. A new comprehensive database was designed and a direct computer link between the two offices was researched.

In 1998, the new database and direct computer link became operational. A central, hand written ledger was no longer necessary because the new database system would now be able to electronically and sequentially track complaints by classification. Contacts from the public that did not pertain to a San José Police Officer or that were informational in nature, or where the citizen was satisfied with the explanation were documented as “Inquiries.” The Inquiry category became a catch-all for contacts from the public but was never intended to supplant legitimate complaints. In 1998, there was a total of 377 contacts classified as Inquiries and 364 were classified as a type of complaint, making a total of 741 citizen contacts for that year. Only 364 classified complaints were reported as part of the chart in Illustration B.

In 1999, an audit of the Inquiries revealed that this category contained a mixture of citizen contacts, including some that should have been com-

plaints, contacts that did not pertain to the SJPd and contacts where the citizen was merely asking a question. By 1999, there were more contacts from the public classified by Internal Affairs as Inquiries (436) than the sum total of all the other types of complaints (349). In addition, another category was created to track those withdrawn complaints lacking a signed Boland Admonishment, as required by state law.

During 2000, the IPA and the IA Commander closely monitored the classification of complaints, especially those classified as Inquiries. The Inquiry classification has helped to streamline complaints and the rise in number is reflective of the good communication and interpersonal skills of the intake officers at Internal Affairs. While these public contacts may start with an expression of dissatisfaction with the conduct of a San José police officer, they usually end with the caller satisfied with the explanation given. Inquiries will be closely reviewed to:

- insure that this type of case alleges dissatisfaction with police service received from the SJPd; (or contain the elements of a complaint)

- insure the complainant is satisfied with the explanation given and does not wish to pursue a complaint;
- insure the cases are properly closed without requiring further investigation, but are subject to being reopened as a complaint.

Inquiries will no longer include contacts from the public that do not pertain to the SJPd or are informational only. These type of contacts will be recorded as Citizen Contacts and will be tracked only for assessing human resources needs.

It is important that all citizen contacts be documented even if not all contacts require an investigation. Under-reporting of citizen complaints undermines public confidence in the citizen complaint process.